

**Enrolled Minutes of the Thirty-second Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, February 25, 2013**

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular (rescheduled) meeting on Monday, February 25, 2013 at 6:38 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian J. Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed the imminent Tax Sale, scheduled at Lake County. Members of the Town Council speculated on the prospect of the Commissioners donating some of the properties from the tax sale.
3. The Town Council discussed a letter from a resident, describing himself also as a member of the American Legion Post 180, complaining about the lake of snow plowing service on the dedicated roadway on which the Legion building rests. The portion of the land used as a parking lot actually is still a dedicated public way, a portion of Jewett Street. It is noted that the roadway is indiscernible, and the building looks as if it might have a Ridge Road address.
4. The Town Council was advised of the scheduled public information meeting to take place on March 25, at the Lincoln Community Center, regarding the revised Solid Waste Program, changed owing to the recently rebid and awarded contract for solid waste collection services. There would be two meetings one at 2:00 p.m. and one at 6:00 p.m.

The study session ended at 7:00 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 25, 2013 at 7:05 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

Also Present: Greg Kuzmar of the Redevelopment Commission was also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of February 11, 2013 were approved by general consent.

Unfinished Business and General Orders:

1. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Bell Parts Supply, Inc., 2609 45th Avenue, Highland.** At its meeting of April 28, 2008, the Highland Town Council approved Bell Parts Supply's application for property tax abatement upon the increase in assessed value in consequence of construction of a new building addition and façade improvements at 2609 Forty Fifth Street, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. *This represents the second review of compliance for this property. The Town Council conducted its first review at its meeting of February 28, 2011, and its second at its meeting of February 27, 2012. The Town Council found the applicant in compliance at each meeting.*

Councilor Vassar moved that the Bell Parts Supply be found in compliance with the terms of the Property Tax abatement, and that Statement of Benefits as filed by Bell Parts Supply be approved. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Bell Parts Supply was found in compliance and the statement of benefits report was approved.

2. **Signature Authorization.** Action to authorize and approve the Town Council to execute member signatures on Town Board of Metropolitan Police Commissioner letters commending Officer Glen Cox for his work directing the VIPS and Sergeant Michael O'Donnell for 25 years of perfect attendance.

Councilor Kuiper moved to authorize the Town Council members to sign letters of commendation as described above. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The signatures were authorized.

3. **Works Board Order No. 2013-12:** An Order Authorizing and Approving an Agreement between O.W. Krohn & Associates, LLP and the Town of Highland to Perform Professional Financial Reporting and Support Services.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2013-12. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN OF HIGHLAND
ORDER of the WORKS BOARD NO. 2013-12

An Order Authorizing and Approving an Agreement between OW Krohn & Associates, LLP and the Town of Highland to Perform Professional Financial Reporting and Support Services.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that the establishment of accessible, organized and accurate annual comprehensive financial report, subject to certain financial guidelines of the State and Federal governments supports transparency and assists in lowering capital costs for future debt financing as well as supporting the maintenance of the ratings for existing debt in the course of repayment and thereby highly desirable;

Whereas, The Clerk-Treasurer reports that owing to limitations in organizational capacity, government accounting standards board (GASB) continually modified reporting rules, and the need to convert existing financial records in to a final comprehensive report suitable to permit the Clerk-Treasurer and staff to prepare additional reports and then compile the comprehensive annual financial report, there is the need to engage professional support and assistance to advise staff and prepare the financial statements to conform to the appropriate standards;

Whereas, O.W. Krohn and Associates, LLP, has offered and presented an letter proposal to provide and furnish professional support and accounting advisory services in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, including expenses, in a not-to-exceed amount of thirty-five thousand, dollars (\$35,000); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e);

Whereas, The Clerk-Treasurer, as purchasing agent in the associated matter, is prohibited from entering into a service agreement that exceeds \$10,000 without the express approval of the purchasing agency, which in this case, is the Town Council, all pursuant to Section 3.05.040 (C) and Section 3.05.050 (B)(1) of the Highland Municipal Code;

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described, authorize the desired not to exceed amount.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the engagement letter proposal to provide and furnish professional support and accounting services in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, including expenses, in a not-to-exceed amount of thirty-five thousand dollars (\$35,000) between O.W. Krohn and Associates, LLP, and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement to furnish professional support and accounting services related to the comprehensive annual financial report in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, including expenses, in a not-to-exceed amount of thirty-five thousand dollars (\$35,000) are found to be reasonable and fair;

Section 3. That the Clerk-Treasurer be hereby authorized to appropriately allocate the costs associated with the professional services agreement between and among governmental and utility funds and further to execute the Agreement with his signature.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of February 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

4. **Works Board Order No. 2013-13:** An Order of the Works Board Authorizing the Proper Purchasing agent to begin Negotiations for the Purchase of the Property at 3305 Ridge Road, Highland, in an Amount not to Exceed the Average of the Two Appraisals received by the Fiscal Body.

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-13. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2013-13**

An Order of the Works Board Authorizing the Proper Purchasing agent to begin Negotiations for the Purchase of the Property at 3305 Ridge Road, Highland, in an Amount not to Exceed the Average of the Two Appraisals received by the Fiscal Body.

Whereas, The Town Council as the fiscal body and purchasing agency for the Municipal Corporation did pass and adopt **Resolution No. 2013-05** at its meeting of February 11, 2013, in which it expressed interest in the possible acquisition of property located at 3305 Ridge Road, and instructed the proper officer or purchasing agent to acquire two appraisals of the property pursuant to IC 36-1-10.5-5 et seq.;

Whereas, Pursuant to the foregoing, the proper officer or purchasing agent engaged the appraisal services of Bochnowski Appraisal Company and KVT, Incorporated, both trained and licensed as brokers under IC 25-34.1, to appraise the fair market value of the property located at 3305 Ridge Road;

Whereas, Pursuant to Section 3.05.030 (A) (1) of the Highland Municipal Code, the Town Council as the Works Board of the Municipality, serves as purchasing agency for the Municipal Corporation;

Whereas, The Town Council now desires to approve and authorize the proper officer or purchasing agent to negotiate for the purchase of the property at 3305 Ridge Road, Highland, pursuant to the terms stated herein,

Now Therefore Be it So Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the proper officer or purchase agent is authorized to begin negotiations to acquire the property located at **3305 Ridge Road, Highland**, for a purchase price not in excess of the average of the two appraisals procured by the Town, the reports of which have been presented to the Fiscal Body;

Section 2. That upon the completion of the negotiation, that a purchase agreement be presented to the Town Council for its consideration and action;

Section 3. That the proper officer and is hereby authorized to cause the proper legal notice to be published to permit a public hearing on proposed additional appropriations in excess of the budget of 2013 for the Rainy Day Fund, with the date of such hearing being as soon as practicable, based upon but not limited by the average amount of the two appraisals obtained pursuant to IC 36-1-10.5 et seq.

Be it So Ordered.

Duly, Passed, Adopted and ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board of the municipality this 25th day of February 2013 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Liaison to the Board of Waterworks Directors* • *Chamber of Commerce Liaison.*

Councilor Zemen reminded those present of his radio show on AM 1230 WJOB broadcast on Tuesday February 26, 2013. Councilor Zemen invited ideas or comments for the program.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Community Events Commission* • *Liaison to the Park and Recreation Board.*

Councilor Herak invited the Public Works Director to comment on current matters related to the sanitary district, particularly offering a briefing regarding the new agreement with Allied Waste recently awarded the bid for solid waste collection and disposal services.

It was noted that a public information session would be convened to explain the features of the new contract. It was noted that the vendor would provide residents a large 95-gallon trash bin and a recycling bin of the same size. It was further noted that a smaller volume bin would be issued to persons who currently are enrolled as persons eligible for the senior citizens' discount.

- **Councilor Dan Vassar:** • *Liaison to the Redevelopment Commission.*

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of Redevelopment matters.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Police Chief, who offered no report.

Councilor Kuiper recognized the Fire Chief who reported that since the last Town Council meeting, matters at the Fire Department were "quiet".

- **Council President Brian Novak:**

The Council President reported briefly on matters pending before the Traffic Safety Commission.

Comments from the Public or Visitors

1. Joseph Zrncich, _____ Highland, asserted that the Highland Police Department and the Town of Highland followed a practice of "false police reporting" and alleged that he was underserved and poorly served by the Police Department.

It was noted that Mr. Zrncich may be pursuing a civil suit against the Town and the Police Department, as such he was advised that he would not be recognized to speak on the topic of his allegations regarding the police department.

2. Terry Fuqua, _____ LaPorte, Highland, expressed his disappointment that in the downtown, snow seemed to be moved from the sidewalk to the parking areas in the street creating added problems for pedestrians as well as persons seeking to park in the downtown.

Mr. Fuqua also stated that he was a 27-year member of the American Legion Post 180 in Highland. He noted that the parking lot area in front of the hall, is really a dedicated portion of Jewett Street. As such, Mr. Fuqua expressed his disappointment that no snow removal was performed by the Town. Mr. Fuqua alleged that the problem of ignoring the lot was a recurrent problem.

3. Joe Zrncich, _____, Highland denied to the Town Attorney that he was pursuing any civil or tort claim against the Town. Mr. Zrncich protested being denied the opportunity to speak on the subject of his choosing.
4. Philip Manning, 3335 Jewett Street, Highland expressed his belief that the timing of the traffic lights had somehow changed from its prior settings in place before the recent reconstruction of the portion of Indianapolis Boulevard between Ridge Road and the Little Calumet River. Mr. Manning particularly suggested that the traffic lights' timing be changed where it affects east bound turns unto Ridge Road, from southbound traffic on Indianapolis Boulevard.
5. Terry Fuqua, _____ LaPorte Drive, Highland, commented on vehicles that try to avoid the some traffic lights by cutting through Ultra Foods.
6. Joe Zrncich, _____, Highland again alleged that a probable cause affidavit was somehow removed from files at the Police Department.

The Town Council President and the Town Attorney instructed Mr. Zrncich that his comments were not in order for the present meeting.

Payment of Accounts Payable Vouchers. There being no further comments from visitors, Councilor Vassar moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable docket, covering the period February 12, 2013 through February 25, 2013. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$240,003.83; Motor Vehicle Highway and Street (MVH) Fund, \$ 54,870.48; Local Road and Street (LRS) Fund, \$11,567.95; Law Enforcement Cont. Education and Supply Fund, \$1,962.95; Corporation Bond and Interest Fund, \$250.00; Gasoline Fund,

\$680.00; **Information and Communications Technology Fund**, \$4,018.30; **Civil Donation Fund**, \$5.00; **Police Pension Fund (1925 Plan)**: \$62,336.23; **Municipal Cumulative Capital Development Fund**, \$839.63; **Traffic Violations Fund**, \$4,500.00; **Safe Neighborhood Grant Fund**, \$5,000.00; **Sexual Predator Grant Fund**, \$5,332.00; **Special Public Safety Fund**, \$875.00; **Total: \$380,673.42.**

Announcement and Notice. The Town Council President announced that the Town Council would convene in study session to discuss issues regarding Arzumanian Nursery, 8210 Indianapolis Boulevard, and concerns some expressed regarding the suitability of his aesthetic along the right of way on Indianapolis Boulevard.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 25, 2013 was adjourned at 7:34 O'clock p.m. A study session followed the meeting.

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular (rescheduled) meeting on Monday, February 25, 2013 at 7:45 p.m. in the upper Council study chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Bernie Zemen, Konnie Kuiper, and Brian J. Novak, were present. The Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Rhett Tauber, Town Attorney; Kenneth J. Mika, Building Commissioner and ADA Coordinator; John M. Bach, Public Works Director; Cecile Petro, Redevelopment Director and Greg Kuzmar, of the Redevelopment Commission, were also present.

In addition, Mr. Bill Petrites, owner operator of Stan's Bait and Tackle Shop, 8200 Indianapolis Boulevard, was also present.

General Substance of Matters Discussed.

1. The Public Works Director offered a survey of the recent efforts regarding a number of communications with Indiana Department of Transportation (INDOT), regarding efforts that INDOT might exert to move vehicles and related materials at Arzumanian's Nursery from the easement and right of way along Indianapolis Boulevard.

The Public Works Director suggested that after several contacts, he surmised that INDOT was not inclined to pursue any enforcement action against Arzumanian's Nursery.

It was noted that INDOT seemed unwilling to install a fence. The discussion included whether INDOT would consent to the Town installing either a fence or sufficient landscaping to hide the less visibly appealing elements of Arzumanian's Nursery. It was noted that there was renewed concern by some since this was a northern entrance to the town of Highland and there was concern about its aesthetic appeal. It was noted the reconstruction of the roadway by INDOT improved the vista significantly. Some suggested that the aesthetic presented by Arzumanian's Nursery did not positively contribute to the vista.

2. The Building Commissioner offered an executive summary of the code enforcement for nuisance abatement that had been enforced against Arzumanian's. The Building Commissioner suggested that upon citation or notice of the nuisance and the instruction to abate, Arzumanian generally came into compliance.
3. The Redevelopment Director reported that she had contacted State Representative Mara Candelaria-Reardon in order to enlist her intervention with INDOT in the hopes that she may encourage the agency to cooperate in addressing the concerns raised regarding the aesthetic at the site of the nursery.

The persons present discussed with Mr. Petrites, whose business, Stan's Bait and Tackle is adjacent to Arzumian's, any insights he may offer regarding changing his neighbor's aesthetic. The discussion included possible access to Mr. Petrites property in order to ameliorate the undesirable aesthetic of the nursery.

After considerable discussion, it was suggested that the Public Works Director follow up with the INDOT Section Chief for permitting to see if he could be enlisted to assist with changing the aesthetic.

4. The Town Attorney briefed the Town Council regarding the progress and status of the purchase of the property at 3305 Ridge Road, as part of a parcel assembly to provide a site for construction of a new public safety facility and Town Hall. The Town Attorney stated some of the terms that were being sought by the seller as a condition of consenting to sell to the Town. The Town Attorney indicated that he would be finalizing the negotiations and reducing the terms to an agreement for action by the Town Council.
5. The Town Council and the Redevelopment Director discussed plans being considered by the Redevelopment Commission for Bond financing in order to support some projects. The Town Council and the Redevelopment Director discussed whether there was interest in finding a site to relocate the Public Works Facility from its current address of 8001 Kennedy Avenue, in order to make the property available for development aligned and complementary to the likely development on the Hammond site, separated from the property by the Little Calumet River.
6. The Redevelopment Director discussed with the Town Council its sentiment regarding the need to obtain an access point or street into the Economic development area located near Bill's Movers. It was noted that the Bill's Mover's property was intentionally omitted from the establishment of the Economic Development Area which is styled as the *South Town Allocation Area*. Owing to this, there was no legal barrier to exercising eminent domain if necessary in order to obtain right of way to better access the South Town Economic Development Area. The Town Council members expressed no objection to that approach once elective negotiation was exhausted.

There being no further business, the study session ended at 8:34 o'clock p.m.

Michael W. Griffin, IAMC/ MMC/ CPFA/CPFIM
Town Clerk-Treasurer